

Patent  
10/633,779

### REMARKS

Claims 7-25 are now pending in the application. Claims 1-6 have been canceled. Claims 7 and 15 are independent claims. Reconsideration is respectfully requested.

#### Obviousness-type Double Patenting

Claims 1-25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of US Patent 6,611,374.

In order to overcome this rejection, a terminal disclaimer in compliance with 37 C.F.R. 1.321(e) is filed herewith. Therefore, withdrawal of the double patenting rejection is respectfully requested.

#### Section 103(a) Rejections

Claims 1-5 were rejected under 35 USC 103(a) as being unpatentable over US Patent 6,621,621 (Jones) in view of Agrawal (Fiber-Optic Communication Systems, 1997); Claim 6 was rejected under as being unpatentable over Jones in view of Agrawal and Chan (A Novel FFT-based FDFA Supervisory Scheme for WMD Transmission Systems, 2001).


Each of the rejections is respectfully traversed. However, in order to place the application in condition for allowance, Claims 1-6 have been cancelled. The cancellation of Claims 1-6 renders the outstanding rejections moot.

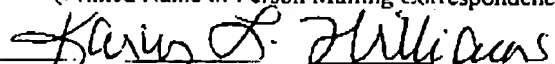
Applicants submit that the application is now in condition for allowance. Should the Examiner be of the view that an interview would expedite consideration of this Amendment or of

Patent  
10/633,779

the application at large, request is made that the Examiner telephone the Applicants' undersigned attorney at (908) 518-7700 in order that any outstanding issues be resolved.

Respectfully submitted,

  
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| <p><b><u>Certificate of Facsimile Transmission</u></b><br/>I hereby certify that this document and any document referenced herein has been transmitted via facsimile to the US Patent and Trademark Office at (703) 872-9326 on <u>August 18, 2004</u>.</p> <p><u>Karin L. Williams, Reg. No. 36,721</u><br/>(Printed Name of Person Mailing Correspondence)</p> <p><br/>(Signature)</p> |
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